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Local Boundary Commission Bylaws

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BYLAWS

ALASKA LOCAL BOUNDARY COMMISSION

ARTICLE I - NAME

The name of this body is the Alaska Local Boundary Commission. Common usage and abbreviation may be “Commission” or “LBC.” (Eff. 5/19/89)

ARTICLE II - MISSION AND OBJECTIVES

Section 1. The Constitution of the State of Alaska recognizes that the establishment and revision of boundaries of cities and boroughs are primarily the responsibilities of the State. Article X, Section 12 of the Constitution provides the constitutional authority under which the Commission carries out these responsibilities. Shortly after statehood, the Alaska Supreme Court articulated the considerations which led to the creation of the Commission. (Fairview Public Utility District No. 1 v. City of Anchorage 368 P.2d 540 Alaska 1962).

An examination of the relevant minutes of [a series of 31 meetings held by the Committee on Local Government at the Constitutional Convention] shows clearly the concept that was in mind when the local boundary commission section was being considered: that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level. The advantage of the method proposed, in the words of the committee -- “lies in placing the process at a level where area-wide or statewide needs can be taken into account. By placing authority in this third-party, arguments for and against boundary change can be analyzed objectively.” Fairview Public Utility, at 543. (Eff. 5/19/89)

Section 2. The courts have consistently recognized that the Commission enjoys considerable discretion and broad authority in the exercise of its powers and duties. The Commission hereby acknowledges that such powers and duties carry with them the responsibility to act in a judicious fashion. (Eff. 5/19/89)

Section 3. The powers and duties of the Commission include:

- (a) considering proposals for the incorporation of cities and boroughs;
- (b) considering proposals for the annexation of territory to cities, boroughs and unified municipalities;
- (c) considering proposals for the detachment of territory from cities, boroughs and unified municipalities;
- (d) considering proposals for the dissolution of cities, boroughs and unified municipalities;

- (e) considering proposals for the merger or consolidation of cities, boroughs and/or unified municipalities; and
- (f) making studies of local government boundary problems. (Eff. 5/19/89)

ARTICLE III - AUTONOMY

The Commission is an autonomous body within the Department of Community and Regional Affairs. While the Commission receives administrative and technical support from the Department, it is legally Independent of the Department and all other State agencies. (Eff. 5/19/89)

ARTICLE IV - MEMBERSHIP AND TERMS OF OFFICE

Section 1. Commission Composition: the Commission consists of five individuals appointed by the Governor. One member is appointed from each of the four judicial districts in the state; the fifth member is appointed from the state at-large. (Eff. 5/19/89)

Section 2. Term of Office:

- (a) Commission members serve staggered terms of five years.
- (b) A vacancy occurring in the membership of the Commission will be filled by appointment of the Governor for the unexpired portion of the vacated term.
- (c) A member whose term has expired remains on the Commission until a successor has been appointed by the Governor.
- (d) The Commission may, by a vote of three or more members, recommend to the Governor the removal of a member for cause, provided that notice shall be given to the member proposed to be recommended for removal at least 10 days prior to the meeting at which the resolution is to be considered. (Eff. 5/19/89)

ARTICLE V - OFFICERS AND DUTIES

Section 1. Officers consist of a Chairman and a Vice Chairman. (Eff. 5/19/89)

Section 2. By statute, the member appointed from the state at large is the Chairman. The Vice Chairman is elected by a majority of the Commission members for a term of three years. (Eff. 5/19/89)

Section 3. The duties of the officers shall be as follows:

- (a) Chairman
 - (i) Call all meetings (except that three members of the Commission may also call a meeting). Preside at all meetings.
 - (ii) Appoint special committees and chairpersons of special committees.
 - (iii) Serve as ex-officio member of all committees.
 - (iv) Serve as the Commission's official representative.
 - (v) Operate and conduct the business and affairs of the Commission according to the orders and resolutions of the Commission.
 - (vi) Perform other duties described in these bylaws or assigned by resolution of the Commission.
- (b) Vice Chairman
 - (i) Assist the Chairman in the discharge of his/her duties.
 - (ii) Assume the duties of the Chairman in the absence of the Chairman.
 - (iii) Act as the parliamentarian for the Commission.
 - (iv) Perform other duties in accordance with the orders and resolutions of the Commission.

ARTICLE VI - MEETINGS

Section 1. Meetings of the Commission may be held at such time and place as the Chairman or a majority of the Commission members may order. (Eff. 5/19/89)

Section 2. Reasonable public notice of Commission and committee meetings shall be provided in accordance with the requirements of law. (Eff. 5/19/89)

Section 3. Three members of the Commission constitute a quorum for the conduct of business at a meeting. Two members constitute a quorum for the conduct of a hearing. (Eff. 5/19/89)

Section 4. Meetings of the Commission and its committees are subject to the Open Meetings Act, AS 44.62.310 and 44.62.312. (Eff. 5/19/89)

Section 5. It is the Commission's policy that, to the extent which is practical, all public hearings and decisional sessions of the Commission will be conducted in person and that all members of

the Commission will be present. However, it is recognized that financial constraints and other limitations may sometimes prevent this level of participation. Members who are unable to participate in person may participate by teleconference as permitted by AS 44.62.312(a)(6). (Eff. 5/19/89)

ARTICLE VII - COMMITTEES

The Commission Chairman may designate ad hoc committees or task forces to accomplish special purposes. Persons other than Commission members may serve on the Commission's ad hoc committees and task forces. (Eff. 5/19/89)

ARTICLE VIII - PARLIAMENTARY AUTHORITY

Section 1. Unless otherwise provided by law or these bylaws, the Commission's procedures shall be governed by Robert's Rules of Order, Revised. (Eff. 5/19/89)

Section 2. The purpose of parliamentary rules is to assist the LBC in transacting business. Whenever the rules fail to serve this purpose, and are not required by law, they may be suspended expressly or by contrary action. A failure by the LBC to conform to procedural rules does not invalidate its official actions. Departures from parliamentary rules do not form the basis for a dispute which is subject to jurisdiction of the courts. (Eff. 5/19/89)

ARTICLE IX - ETHICS

Section 1. Commission members are required to comply with AS 39.52.010 - 39.52.960, the Alaska Executive Branch Ethics Act. The Commission adopts the general goals advanced by the Executive Branch Ethics Act, those being: 1) to discourage public officials from acting upon personal or financial interests in the performance of their public responsibilities; 2) to improve the standards of public service; and 3) to promote and strengthen the faith and confidence of the people of this state in their public officers. As provided by AS 39.52.960(8), the Chairman shall act as the designated supervisor for the Commission members.

Section 2. In addition to the ethics standards established by the Executive Branch Ethics Act, the following policies apply to members of the Commission:

- (a) A member of the Commission is prohibited from having ex parte contacts (i.e., any contact outside a formal proceeding of the Commission with another party) concerning a matter for which a petition has formally been submitted to the Department of Community and Regional Affairs. The prohibition shall take effect once the Commission member has been advised by the Department that a petition has been received. The prohibition shall remain in effect until the Commission's power to order reconsideration of its decision on the petition expires.
- (b) Unless exempted under (f) of this section, a member of the Commission may not participate by way of discussion or voting on any matter before the Commission if a

Commission member was employed by or had a contract with the petitioner or a respondent unless a minimum of 180 days has passed since the employment or contract ended. For purposes of this subsection, the 180 days is measured from the date that a Commission member has been advised by the Department that a petition or response brief has been received by the Department.

(c) Unless exempted under (f) of this section, a member of the Commission may not accept employment from or contract with a petitioner or respondent if the member of the Commission acted upon a petitioner's or respondent's proposal that was before the Commission unless a period of 180 days has passed since the Commission acted on the matter. For purposes of this subsection, the 180 days is measured from the date that the Commission takes its final action, including reconsideration, on a proposal.

(d) Unless exempted under (f) of this section, a member of the Commission may not participate in the consideration of a proposal before the Commission where the proposal affects a territory in which the Commission member resides or owns real property. This subsection applies to action on territory that is proposed For: 1) annexation, detachment, merger, or consolidation; or 2) dissolution or incorporation of a municipality.

(e) Unless exempted under (f) of this section, a member of the Commission may not participate in the consideration of a proposal before the Commission if the Commission member has a personal interest in or is affiliated with the petitioners, a respondent, or an organization that advocates a position with respect to the proposal before the Commission.

(f) A member of the Commission may be exempted from the prohibitions specified in (b) -- (e) of this section, if a majority of the other Commission members present conclude that:

(1) the Commission member's participation in the matter would not result in any violation of the Executive Branch Ethics Act;

(2) the Commission member's conflict is minor and inconsequential and his/her participation in the matter will not interfere with the full and faithful discharge of duties as a Commission member, examples of such are:

(A) the member's conflict is insignificant in relation to the size, population and other characteristics of the area encompassed by the petition;

(B) the area which is the subject of the petition is not in close proximity to the residence or other property owned by the Commission member as specified in (d) of this section;

(C) the nature of the affiliation of the Commission member to the petitioner, respondent, or other party(s) that have advocated a position concerning the matter pending before the Commission as specified in (e) of this section is insignificant. (Eff. 5/19/89) [Editor's note: supplemental ethics standards were first established by resolution of the Commission on May 24, 1988.]

ARTICLE X - AMENDMENT OF BYLAWS

These bylaws may be amended at any meeting of the Commission by adoption of a motion or approval of the amendment by three or more Commission members. Amendments to "Article IX, Ethics" become effective upon approval of the Department of Law. (Eff. 5/19/89)